

DOCKET NO.: WARF-0138 (P98103US)  
Application No.: 09/817,762  
Office Action Dated: June 3, 2003

PATENT  
REPLY FILED UNDER EXPEDITED  
PROCEDURE PURSUANT TO  
37 CFR § 1.116

### REMARKS/ARGUMENTS

In view of the amendments presented herewith and the following remarks, favorable reconsideration and allowance of this application are respectfully requested.

#### I. Status of the Claims and Prosecution

Claims 1-6, 9-14, 17-24, and 28-31 were examined. On June 3, 2003, all of the claims were finally rejected.

The previous rejection and objections were all withdrawn except the following:

Claims 9, 12, 17-19, 24, and 28-31 remained rejected under 35 U.S.C. § 112, first paragraph for alleged lack of enablement.

Claims 1-4, 9-14, 17-24, and 27-31 remained rejected under 35 U.S.C. § 112, first paragraph for alleged lack of written description.

The claims to SEQ ID NO:1 and 10 encoding SEQ ID NO:2 were deemed free of prior art. Claims 5 and 6 were objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form with all of the limitations of the intervening claims.

As requested by the Examiner, formal drawings will be submitted upon Allowance.

#### II. Claim Amendments Presented in This Reply

In accordance with the present amendment, claims 1, 4, and 24 have been amended. Moreover, for the Examiner's convenience new claims 46-62 have been presented. As the Examiner suggested, new claims have been directed to SEQ ID NO:1 or 10, SEQ ID NO:2, and sequences which are 95% identical to those sequences. As the Examiner suggested,

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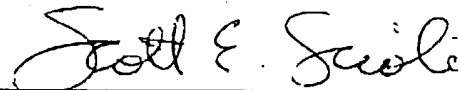
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claim 1 was amended to eliminate reference to the Figure, and claim 24 has been amended to eliminate hybridization conditions, as well as % claimed similarities to the claimed sequences, while incorporating the claimed % identities.

### **III. Conclusion**

In view of the amendments and the new claims submitted herewith, along with the foregoing remarks, Applicants respectfully submit that the claim set is in condition for allowance. Accordingly, Applicants respectfully request entry of the amendment. Early and favorable reconsideration, and withdrawal of the outstanding objections and rejections set forth in the June 3, 2003 Office Action, resulting in allowance of this application is respectfully requested.

Date: October 3, 2003



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